IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.10362 OF 2004

Esmail Ebrahim Dhariwal. ...Petitioner.

Vs.

Som Distilleries and Breweriwes Ltd. & Ors. ...Respondents.

.....

Mr.Yogesh Thorat i/b. Lalit S. Jain for the Petitioner.

.....

**CORAM : DR.D.Y.CHANDRACHUD, J.**

April 28, 2005.

**P.C. :**

The impugned order of the Learned Trial Judge declining leave under Section 80(2) of the Code of Civil Procedure, 1908, has been passed over four months ago. Surely, there was adequate time in the interregnum for the Petitioner to serve a notice under Section 80 on the Commissioner of Sales Tax. There is no merit in the petition which is accordingly rejected.

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